

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

No. 4:07CR646 RWS

ANTONIO L. DAVIS, )

Defendant. )

**ORDER**

This matter is before the Court on defendant Antonio L. Davis' Response to the Report and Recommendation of United States Magistrate Judge.

Defendant Antonio L. Davis' Motion to Suppress Evidence was referred to United States Magistrate Judge Terry I. Adelman pursuant to 28 U.S.C. § 636(b). Judge Adelman conducted an evidentiary hearing on March 24, 2008.

Upon my *de novo* review of Judge Adelman's Report and Recommendation, the evidentiary hearing and the relevant case law I concur with Judge Adelman's Report and Recommendation.

Specifically, I find that the initial stop of the defendant was lawful. Defendant's statement that he had drugs in his pocket are admissible pursuant to the public safety exception to the Miranda Rule. See, New York v. Quarles, 476


U.S. 679 (1984) . Additionally, the seizure of the firearm from the back yard at the scene of the arrest was lawful because the defendant abandoned the weapon as he was being arrested.

Accordingly,

**IT IS HEREBY ORDERED** that United States Magistrate Judge Tery I. Adelman's Report and Recommendation filed April 23, 2008 [#29] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant's motion to suppress evidence and statements [#14] is denied.

**IT IS FINALLY ORDERED** that this matter is set for a **final pretrial conference** on **Friday, May 30, 2008 at 2:30 p.m.** and the **jury trial** in this matter is reset to **Tuesday, June 3, 2008 at 9:00 a.m.**

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 27th day of May, 2008.